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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/783,932      | 02/14/2001  | Dan Kikinis          | 004688.P011         | 1334             |

33448 7590 10/21/2004

ROBERT J. DEPKE LEWIS T. STEADMAN  
HOLLAND & KNIGHT LLC  
131 SOUTH DEARBORN  
30TH FLOOR  
CHICAGO, IL 60603

EXAMINER

MUHEBBULLAH, SAJEDA

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2174

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                       |                                       |  |
|------------------------------|---------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/783,932  | <b>Applicant(s)</b><br>KIKINIS ET AL. |  |
|                              | <b>Examiner</b><br>Sajeda Muhebbullah | <b>Art Unit</b><br>2174               |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is responsive to Amendment filed 6/10/2004.
2. Claims 1-4 and 6-10 are pending in this application. Claims 1, 3, 7, and 9 are independent claims. In the Amendment, claims 1-4 and 6-10 were amended and claim 5 was cancelled. This action is made Final.

#### ***Claim Objections***

3. Claim 6 is objected to because of the following informalities:  
  
claim 6/line 1: the phrase "The device according to claim 5" should be changed to --The device according to claim 4--.  
  
Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 7, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Hama et al. ("Hama", US 6,230,323).

As per claim 1, Hama teaches a method for displaying data associated with an electronic program guide, comprising:

displaying one or more movable objects (Fig.5, 102);

displaying data corresponding to a position of the moveable object (Fig.5; col.3, lines 26-42); and

wherein said data corresponding to the position of the moveable object is data from an electronic program guide which is changed in a frame buffer as a user changes a position of said moveable object (col.3, lines 43-50).

Independent claims 3, 7 and 9 are individually similar in scope to independent claim 1, and are therefore rejected under similar rationale.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 4, 6, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hama et al. ("Hama", US 6,230,323) in view of IBM Technical Disclosure Bulletin ("IBM", *New method of Setting Time by One Mouse Operation*, vol. 40, No. 03, March 1997)

As per claim 2, Hama teaches displaying a movable object however does not disclose the moveable object to be a slide knob. IBM teaches a method of setting time using a sliding knob (Fig.2). It would have been obvious to one of ordinary skill in the art at the time of the invention to include IBM's teaching with Hama's method in order to enable a user to swiftly change settings.

Claims 4, 8 and 10 are individually similar in scope to claim 2, and are therefore rejected under similar rationale.

As per claim 6, Hama teaches the device to indicate a series of programs to be viewed (Fig.7; col.9, lines 55-62).

***Response to Arguments***

8. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

***Communications***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is (703) 305-0720 (*note after Oct. 20th number will be changed to (571) 272-4065*). The examiner can normally be reached on Tuesday/Thursday from 8:00 am to 4:30 pm (EST) and on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640 (*note after Oct. 20th number will be changed to (571) 272-4063*).

The fax number for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 [After Final Communication]

(703) 872-9306 [Official Communication]

(703) 746-9915 [For status inquiries, Draft Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sajeda Muhebbullah  
Patent Examiner  
October 4, 2004

  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100